

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DANTE' D. GORDON,

Plaintiff,

v.

THOMAS PYTLAK, *et al.*,

Defendants.

Case No. 2:25-cv-31

Judge Edmund A. Sargus, Jr.

Magistrate Judge Elizabeth P. Deavers

ORDER

This matter is before the Court on a Report and Recommendation issued by the Magistrate Judge on May 21, 2025. (ECF No. 8.) Plaintiff Dante' D. Gordon filed a Complaint (ECF No. 1-1) over 50 pages long (single spaced), a Motion for Leave to Proceed *in forma pauperis* (ECF No. 1), and 141 exhibits totaling over 200 pages (ECF Nos. 1-4 to 1-9). The Complaint failed to comply with Rule 8(a) of the Federal Rules of Civil Procedure, which requires that the complaint contain "a short and plain statement of the claim." Fed. R. Civ. P. 8(a)(2).

Accordingly, the Court ordered Mr. Gordon to file an amended complaint, not to exceed 20 pages in length (double spaced per S.D. Ohio Local Civil Rule 5.1), within 30 days. (ECF No. 2.) The Court also referred Mr. Gordon to the requirement under Rule 20(a)(2) of the Federal Rules of Civil Procedure that "the factual allegations and claims must arise out of the same transaction or occurrence." (ECF No. 2, PageID 327.)

The Court warned Mr. Gordon that failure to comply with the Deficiency Order would result in dismissal of his claims for lack of prosecution. (*Id.*) The Court twice extended Mr. Gordon's deadline, which passed on May 5, 2025, without Mr. Gordon filing an amended complaint. (ECF Nos. 4, 6.) On May 21, 2025, the Magistrate Judge recommended dismissal of

Mr. Gordon's claims without prejudice for lack of prosecution based on Mr. Gordon's failure to comply. (ECF No. 8.) One month later, on June 20, 2025, Mr. Gordon untimely filed an Amended Complaint. (ECF No. 9.)

Once a magistrate judge issues a report and recommendation, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). The failure to file written objections to a magistrate judge's report and recommendation waives a de novo determination by the district court of any issues addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Mr. Gordon was advised of his right to object to the Report and Recommendation and of the consequences of failing to do so. (R&R, PageID 417–18.) He did not object to the Report and Recommendation, but he did file a new complaint after the deadline. His Amended Complaint spans 63 pages and is accompanied by 160 exhibits totaling more than 300 pages. (ECF Nos. 9; 9-11.) In addition to being untimely filed after multiple extensions, Mr. Gordon's Amended Complaint fails to comply with the Court's Deficiency Order and the Federal Rules of Civil Procedure because it exceeds the Court-ordered page limit and is not a "short and plain statement of the claim." (ECF No. 2); Fed. R. Civ. P. 8(a).

As the Court observed, "[d]istrict courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." (ECF No. 8, PageID 417 (quoting *Link v. Wabash R.R.*, 370 U.S. 626, 630–631 (1962))); *see Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991). Failure of a party

to comply with an order of the Court warrants invocation of the Court's inherent power. *See* Fed. R. Civ. P. 41(b).

Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation. (ECF No. 8.) The Court **DISMISSES without prejudice** Mr. Gordon's claims. The Court **DENIES as moot** Mr. Gordon's Motion for Leave to Proceed *in forma pauperis*. (ECF No. 1.)

The Clerk is **DIRECTED** to terminate this case on the Court's docket.

IT IS SO ORDERED.

7/10/2025
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE